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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on 30th July, 2019:—

BILL No. XXVII OF 2019

A Bill to amend the National Institute of Design Act, 2014.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Institute of Design (Amendment) Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

Short title and commencement.

18 of 2014.

2. In the National Institute of Design Act, 2014 (hereinafter referred to as the principal Act), in the long title, for the words “the institution known as the National Institute of Design, Ahmedabad, to be an institution of national importance”, the words “certain institutions of design to be institutions of national importance” shall be substituted.

Amendment of long title.

Amendment
of section 1.

3. In section 1 of the principal Act, in sub-section (1), for the word “Institute”, the word “Institutes” shall be substituted.

Substitution of
section 2.

4. For section 2 of the principal Act, the following section shall be substituted, namely:—

Declaration of
certain
institutions as
institutions of
national
importance.

“2. Whereas the objects of the institutions mentioned in the Schedule, are such as to make them institutions of national importance, it is hereby declared that each such Institute is an institution of national importance.”.

Amendment
of section 3.

5. In section 3 of the principal Act,—

(i) for clause (d), the following clause shall be substituted, namely:—

‘(d) “Director”, in relation to any Institute, means the Director of such Institute as appointed under section 18;’;

(ii) for clause (e), the following clause shall be substituted, namely:—

‘(e) “Fund”, in relation to any Institute, means the Fund of such Institute as maintained under section 23;’;

(iii) for clause (f), the following clause shall be substituted, namely:—

‘(f) “Governing Council”, in relation to any Institute, means the Governing Council of such Institute as constituted under section 11;’;

(iv) for clause (g), the following clause shall be substituted, namely:—

‘(g) “Institute” means any of the institutions mentioned in column (4) of the Schedule;’;

(v) for clause (h), the following clause shall be substituted, namely:—

‘(h) “Institute campus” means the campus of an Institute as may be established by such Institute at any place within India or outside India;’;

(vi) for clause (k), the following clause shall be substituted, namely:—

‘(k) “Registrar”, in relation to any Institute, means the Registrar of such Institute as appointed under section 20;’;

(vii) after clause (k), the following clause shall be inserted, namely:—

‘(ka) “Schedule” means the Schedule annexed to this Act;’;

(viii) for clause (l), the following clause shall be substituted, namely:—

‘(l) “Senate”, in relation to any Institute, means the Senate of such Institute;’;

(ix) for clause (m), the following clause shall be substituted, namely:—

‘(m) “Society” means any of the societies registered under the Societies Registration Act, 1860, and mentioned in column (3) of the Schedule;’;

(x) for clause (n), the following clause shall be substituted, namely:—

‘(n) “Statutes” and “Ordinances”, in relation to any Institute, mean the Statutes and the Ordinances of such Institute made under this Act.’.

21 of 1860.

Substitution of
section 4.

6. For section 4 of the principal Act, the following section shall be substituted, namely:—

Incorporation
of Institute.

“4. (1) Each Institute shall be a body corporate by the same name as mentioned in column (4) of the Schedule.

(2) Each Institute shall have perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

(3) The body corporate constituting each Institute shall consist of a Chairperson, Director and other members of the Governing Council for the time being, of the Institute.

(4) Any Institute may establish an Institute campus at such place within India or outside India, as it may deem fit:

Provided that each campus of the National Institute of Design, Ahmedabad, established before the commencement of this Act, at Bengaluru in the State of Karnataka and at Gandhinagar in the State of Gujarat, shall be deemed to be the Institute campus thereof.

Explanation.—The reference in this sub-section to the commencement of this Act shall, in relation to the National Institute of Design, Ahmedabad, be deemed to be the 16th day of September, 2014.”.

7. In section 5 of the principal Act,—

Amendment
of section 5.

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) any reference to the Society mentioned in column (3) of the Schedule in any law or in any contract or other instrument shall be deemed as a reference to the corresponding Institute mentioned in column (4) thereof;”;

(ii) in clause (e), the words “located at Bengaluru in the State of Karnataka and at Gandhinagar in the State of Gujarat,” shall be omitted;

(iii) the following *Explanations* shall be inserted, namely:—

Explanation I.—The reference in this section to the commencement of this Act shall, in relation to the National Institute of Design, Ahmedabad, be deemed to be the 16th day of September, 2014.

Explanation II.—The reference in this section to the commencement of this Act shall, in relation to the National Institutes of Design in the States of Madhya Pradesh, Assam, Haryana and Andhra Pradesh, be construed as the reference to the date on which the provisions of the National Institute of Design (Amendment) Act, 2019 comes into force.”.

8. In section 6 of the principal Act, in sub-section (1), for the words “the Institute shall”, the words “each Institute shall” shall be substituted.

Amendment
of section 6.

9. In section 7 of the principal Act, in sub-section (1), for the words “The Institute”, the words “Every Institute” shall be substituted.

Amendment
of section 7.

10. In section 8 of the principal Act, for the words “teaching at the Institute”, the words “teaching at each of the Institutes” shall be substituted.

Amendment
of section 8.

11. In section 9 of the principal Act, in sub-section (1), for the words “the Institute”, the words “each of the Institutes” shall be substituted.

Amendment
of section 9.

12. In section 10 of the principal Act, for the words “The following shall be the authorities of the Institute”, the words “Each Institute shall have the following authorities” shall be substituted.

Amendment
of section 10.

13. In section 11 of the principal Act, for the words “The Governing Council shall consist of”, the words “The Governing Council of every Institute shall consist of” shall be substituted.

Amendment
of section 11.

- Amendment of section 15. **14.** In section 15 of the principal Act, for the words “The Senate of the Institute”, the words “The Senate of each Institute” shall be substituted.
- Amendment of section 16. **15.** In section 16 of the principal Act, for the words “the Senate of the Institute”, the words “the Senate of an Institute” shall be substituted.
- Amendment of section 18. **16.** In section 18 of the principal Act, in sub-section (1), for the words “the Institute”, the words “each of the Institutes” shall be substituted.
- Amendment of section 20. **17.** In section 20 of the principal Act, in sub-section (1), for the words “Registrar of the Institute”, the words “Registrar of each Institute” shall be substituted.
- Amendment of section 22. **18.** In section 22 of the principal Act, for the words “enabling the Institute”, the words “enabling an Institute” shall be substituted.
- Amendment of section 23. **19.** In section 23 of the principal Act, in sub-section (1), for the words “The Institute”, the words “Every Institute” shall be substituted.
- Amendment of section 24. **20.** In section 24 of the principal Act, for the words “the Institute”, the words “any Institute” shall be substituted.
- Amendment of section 25. **21.** In section 25 of the principal Act, in sub-section (1), for the words “The Institute”, the words “Every Institute” shall be substituted.
- Amendment of section 26. **22.** In section 26 of the principal Act, in sub-section (1), for the words “The Institute”, the words “Every Institute” shall be substituted.
- Amendment of section 27. **23.** In section 27 of the principal Act,—
(i) in the opening portion, for the words “the Institute”, the words “an Institute” shall be substituted;
(ii) in clause (a), for the words “Senior Designer”, at both the places where they occur, the words “Principal Designer” shall be substituted.
- Amendment of section 29. **24.** In section 29 of the principal Act, in sub-section (1), for the words “the Institute”, the words “each Institute” shall be substituted.
- Amendment of section 30. **25.** In section 30 of the principal Act, for the words “Ordinances of the Institute”, the words “Ordinances of each Institute” shall be substituted.
- Amendment of section 32. **26.** In section 32 of the principal Act, in sub-section (1), for the words “between the Institute”, the words “between an Institute” shall be substituted.
- Amendment of section 33. **27.** In section 33 of the principal Act, for the words “the Institute”, the words “any Institute” shall be substituted.
- Amendment of section 34. **28.** In section 34 of the principal Act, for the words “the Institute receives”, the words “an Institute receives” shall be substituted.
- Amendment of section 35. **29.** In section 35 of the principal Act, for the words “The Institute”, the words “Every Institute” shall be substituted.
- Amendment of section 36. **30.** In section 36 of the principal Act, for the words “to the Institute”, the words “to any Institute” shall be substituted.
- Amendment of section 37. **31.** In section 37 of the principal Act, for the words “the Institute”, the words “every Institute” shall be substituted.
- Amendment of section 39. **32.** In section 39 of the principal Act,—
(i) in clause (a), for the words “Governing Council of the Institute”, the words “Governing Council of an Institute” shall be substituted;
(ii) in clause (c), the words “located at Bengaluru or Gandhinagar, as the case may be” shall be omitted;

(iii) the following *Explanations* shall be inserted, namely:—

Explanation I.—The reference in this section to the commencement of this Act shall, in relation to the National Institute of Design, Ahmedabad, be deemed to be the 16th day of September, 2014.

Explanation II.—The reference in this section to the commencement of this Act shall, in relation to the National Institutes of Design in the States of Madhya Pradesh, Assam, Haryana and Andhra Pradesh, be construed as the reference to the date on which the provisions of the National Institute of Design (Amendment) Act, 2019 comes into force.”.

33. In section 40 of the principal Act, after sub-section (3), the following *Explanations* shall be inserted, namely:—

Amendment
of section 40.

Explanation I.—The reference in this section to the commencement of this Act shall, in relation to the National Institute of Design, Ahmedabad, be deemed to be the 16th day of September, 2014.

Explanation II.—The reference in this section to the commencement of this Act shall, in relation to the National Institutes of Design in the States of Madhya Pradesh, Assam, Haryana and Andhra Pradesh, be construed as the reference to the date on which the provisions of the National Institute of Design (Amendment) Act, 2019 comes into force.”.

34. After section 41 of the principal Act, the following Schedule shall be inserted, namely:—

Insertion of a
new Schedule.

“THE SCHEDULE

[See sections 2, 3(g), (ka), (m), 4 (I) and 5 (a)]

Sl. No.	Name of the State	Name of the Society	Name of the institutions incorporated under this Act
(1)	(2)	(3)	(4)
1.	Gujarat	The National Institute of Design, Ahmedabad, a Society registered under the Societies Registration Act, 1860.	National Institute of Design, Ahmedabad
2.	Madhya Pradesh	The National Institute of Design, Bhopal, a Society registered under the Societies Registration Act, 1860.	National Institute of Design, Madhya Pradesh
3.	Assam	The National Institute of Design, Jorhat, Assam, a Society registered under the Societies Registration Act, 1860.	National Institute of Design, Assam
4.	Haryana	The National Institute of Design, Kurukshetra, a Society registered under the Societies Registration Act, 1860.	National Institute of Design, Haryana
5.	Andhra Pradesh	The National Institute of Design, Andhra Pradesh, a Society registered under the Societies Registration Act, 1860.	National Institute of Design, Andhra Pradesh.”.

STATEMENT OF OBJECTS AND REASONS

The National Institute of Design Act, 2014 was enacted to declare the National Institute of Design, Ahmedabad to be an institution of national importance for the promotion of quality and excellence in education, research and training in all disciplines relating to design.

2. In pursuance of the National Design Policy and to raise the design education to global standard of excellence in all regions of India, the Government of India set up four new National Institutes of Design in the States of Andhra Pradesh, Madhya Pradesh, Assam and Haryana, as societies under the Societies Registration Act, 1860. Presently, the said Institutes do not have the authority to grant degree, diploma and other academic distinctions. Therefore, a need has been felt to give them statutory status so as to ensure the maintenance of similar standards and quality of education in all areas or disciplines relating to design, as the National Institute of Design, Ahmedabad. It is proposed to declare the aforesaid Institutes as institutions of national importance and to confer power on them to grant degree, diploma and other academic distinctions.

3. It is, accordingly, proposed to amend the National Institute of Design Act, 2014, *inter alia*, to provide for the following:—

(a) to amend section 2 of the said Act, so as to declare the National Institutes of Design in the States of Andhra Pradesh, Madhya Pradesh, Assam and Haryana, as institutions of national importance;

(b) to substitute section 4 so as to provide for incorporation of each of the aforesaid institutes;

(c) to make consequential amendments to various sections of the said Act;

(d) to amend section 27 of the said Act so as to designate the post of Principal Designer instead of the Senior Designer, as equivalent to a Professor.

4. The Bill seeks to achieve the above objectives.

PIYUSH GOYAL.

Notes on clauses

Clause 2.—This clause seeks to amend the long title of the Act so as to substitute the words “the institution known as the National Institute of Design, Ahmedabad, to be an institution of national importance” with the words “certain institutions of design to be institutions of national importance” in view of proposed incorporation of new Institutions such as National Institutes of Design in the States of Andhra Pradesh, Madhya Pradesh, Assam and Haryana.

Clause 3.—This clause seeks to amend section 1 of the Act to provide for substitution of the word “Institute” with the word “Institutes” which are consequential in nature.

Clause 4.—This clause seeks to substitute section 2 of the Act to provide for declaration of the institutions mentioned in the Schedule, as institutions of national importance.

Clause 5.—This clause seeks to amend section 3 of the Act to amend the definitions of Director, Fund, Governing Council, Institute, Institute campus, Registrar, Senate, Society, Statutes and Ordinances and to insert a new definition of Schedule.

Clause 6.—This clause seeks to substitute section 4 of the Act to provide for the incorporation of each of the Institutes mentioned in the Schedule. It further provides that each of the Institutes may establish Institute Campuses within or outside India.

Clause 7.—This clause seeks to amend section 5 of the Act to provide that any reference to the Society mentioned in the Schedule shall be deemed as a reference to the corresponding Institute mentioned therein. It further provides that commencement of the Act shall, in relation to National Institute of Design, Ahmedabad, be deemed to be 16th day of September, 2014 and in relation to the National Institutes of Design in the States of Andhra Pradesh, Madhya Pradesh, Assam and Haryana, be construed as the reference to the date on which the provisions of the National Institute of Design (Amendment) Act, 2019 comes into force.

Clause 8.—This clause seeks to amend section 6 of the Act so as to substitute the words “the Institute” with the words “each Institute”.

Clause 9.—This clause seeks to amend section 7 of the Act so as to substitute the words “The Institute” with the words “Every Institute”.

Clause 10.—This clause seeks to amend section 8 of the Act so as to substitute the words “teaching at the Institute” with the words “teaching at each of the Institutes”.

Clause 11.—This clause seeks to amend section 9 of the Act so as to substitute the words “the Institute” with the words “each of the Institutes”.

Clause 12.—This clause seeks to amend section 10 of the Act so as to substitute the words “The following shall be the authorities of the Institute” with the words “Each Institute shall have the following authorities”.

Clause 13.—This clause seeks to amend section 11 of the Act so as to substitute the words “The Governing Council shall consist of” with the words “The Governing Council of every Institute shall consist of”.

Clause 14.—This clause seeks to amend section 15 of the Act so as to substitute the words “The Senate of the Institute” with the words “The Senate of each Institute”.

Clause 15.—This clause seeks to amend section 16 of the Act so as to substitute the words “the Senate of the Institute” with the words “the Senate of an Institute”.

Clause 16.—This clause seeks to amend section 18 of the Act so as to substitute the words “the Institute” with the words “each of the Institutes”.

Clause 17.—This clause seeks to amend section 20 of the Act so as to substitute the words “Registrar of the Institute” with the words “Registrar of each Institute”.

Clause 18.—This clause seeks to amend section 22 of the Act so as to substitute the words “enabling the Institute” with the words “enabling an Institute”.

Clause 19.—This clause seeks to amend section 23 of the Act so as to substitute the words “The Institute” with the words “Every Institute”.

Clause 20.—This clause seeks to amend section 24 of the Act so as to substitute the words “the Institute” with the words “any Institute”.

Clause 21.—This clause seeks to amend section 25 of the Act so as to substitute the words “The Institute” with the words “Every Institute”.

Clause 22.—This clause seeks to amend section 26 of the Act so as to substitute the words “The Institute” with the words “Every Institute”.

Clause 23.—This clause seeks to amend section 27 of the Act so as to substitute the words “the Institute” with the words “an Institute” and the words “Senior Designer” with the words “Principal Designer”.

Clause 24.—This clause seeks to amend section 29 of the Act so as to substitute the words “the Institute” with the words “each Institute”.

Clause 25.—This clause seeks to amend section 30 of the Act so as to substitute the words “Ordinances of the Institute” with the words “Ordinances of each Institute”.

Clause 26.—This clause seeks to amend section 32 of the Act so as to substitute the words “between the Institute” with the words “between an Institute”.

Clause 27.—This clause seeks to amend section 33 of the Act so as to substitute the words “the Institute” with the words “any Institute”.

Clause 28.—This clause seeks to amend section 34 of the Act so as to substitute the words “the Institute receives” with the words “an Institute receives”.

Clause 29.—This clause seeks to amend section 35 of the Act so as to substitute the words “The Institute” with the words “Every Institute”.

Clause 30.—This clause seeks to amend section 36 of the Act so as to substitute the words “to the Institute” with the words “to any Institute”.

Clause 31.—This clause seeks to amend section 37 of the Act so as to substitute the words “the Institute” with the words “every Institute”.

Clause 32.—This clause seeks to amend section 39 of the Act so as to substitute the words “Governing Council of the Institute” with the words “Governing Council of an Institute” and to omit the words “located at Bengaluru or Gandhinagar, as the case may be”. It further seeks to insert two *Explanations* so as to provide that for the purposes of the said section, the commencement of the Act shall, in relation to the National Institute of Design, Ahmedabad, be deemed to be the 16th day of September, 2014 and in relation to the National Institutes of Design in the States of Andhra Pradesh, Madhya Pradesh, Assam and Haryana, be construed as the reference to the date on which the provisions of the National Institute of Design (Amendment) Act, 2019 comes into force.

Clause 33.—This clause seeks to insert two *Explanations* in section 40 of the Act so as to provide that for the purposes of the said section, the commencement of the Act shall, in relation to the National Institute of Design, Ahmedabad, be deemed to be the 16th day of September, 2014 and in relation to the National Institute of Design in the States of Andhra Pradesh, Madhya Pradesh, Assam and Haryana, be construed as the reference to the date on which the provisions of the National Institute of Design (Amendment) Act, 2019 comes into force.

Clause 34.—This clause seeks to insert a Schedule after section 41 of the Act containing the names and particulars of the National Institutes of Design.

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to amend section 2 of the National Institute of Design Act, 2014 so as to declare the National Institutes of Design in the States of Andhra Pradesh, Madhya Pradesh, Assam and Haryana, as institutions of national importance and clause 6 seeks to substitute section 4, so as to provide for incorporation of each of the said Institutes.

2. It is estimated that there would be an expenditure of approximately 434 crore rupees for the establishment of these Institutes. Accordingly, a sum of 434 crore rupees was sanctioned during the Twelfth Plan. The non-recurring expenditure is estimated to be 336.72 crore rupees and recurring expenditure is estimated to be 97.28 crore rupees. The expenditure is met through budgetary provision of the Department for Promotion of Industry and Internal Trade. After the Institutes become fully operational and start generating revenues through fees, consultancy income, etc., dependence on Government grants for recurring expenditure will gradually reduce.

3. The Bill does not involve any other expenditure of recurring or non-recurring nature from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 24 of the Bill seeks to amend section 29 of the National Institute of Design Act, 2014, so as to confer powers on the National Institutes of Design in the States of Andhra Pradesh, Madhya Pradesh, Assam and Haryana, to frame Statutes and clause 25 seeks to amend section 30 of the said Act, so as to confer powers on these Institutes to frame Ordinances.

2. The matters in respect of which the Statutes or Ordinances may be made are matters of procedure and administrative details, and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

DESH DEEPAK VERMA,
Secretary-General.

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